



Order Filed on February 17, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

In Re:
LTL Management LLC

Case No.: 21-30589

Hearing Date:

LTL Management LLC

Adv. No.: 21-03032

Judge: Michael B. Kaplan

Plaintiff(s)

v.

Those Parties Listed on Appendix A to the Complaint
and John and Jane Does 1-1000, et al.

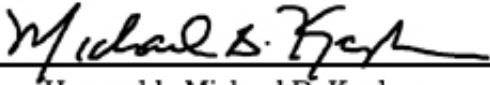
Defendant(s)

JOINT STIPULATION AND AGREED ORDER BETWEEN THE OFFICIAL COMMITTEE OF TALC CLAIMANTS I, THE OFFICIAL COMMITTEE OF TALC CLAIMANTS II, AND THE DEBTOR REGARDING THE EVIDENTIARY RECORD IN PRELIMINARY INJUNCTION ADVERSARY PROCEEDING AND TRIAL ON MOTIONS TO DISMISS

The relief set forth on the following pages, numbered two (2) through _____

is hereby **ORDERED**.

DATED: February 17, 2022


Honorable Michael B. Kaplan
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
<p>Caption in Compliance with D.N.J. LBR 9004-1(b)</p> <p>COOLEY LLP Cullen D. Speckhart (admitted pro hac vice) Michael Klein (admitted pro hac vice) Erica J. Richards (pro hac vice to be filed) Lauren A. Reichardt (pro hac vice to be filed) Evan Lazerowitz 55 Hudson Yards New York, NY 10001 Tel: (212) 479-6000 Fax: (212) 479-6275 Email: cspeckhart@cooley.com mklein@cooley.com erichards@cooley.com lreichardt@cooley.com elazerowitz@cooley.com</p> <p><i>Proposed Co-Counsel to the Official Committee of Talc Claimants II</i></p>	<p>BAILEY GLASSER LLP Brian A. Glasser, Esq. (admitted pro hac vice) Thomas B. Bennett, Esq. (admitted pro hac vice) Kevin W. Barrett, Esq. (admitted pro hac vice) Maggie B. Burrus, Esq. (admitted pro hac vice) 105 Thomas Jefferson St. NW, Suite 540 Washington, DC 20007 Tel: (202) 463-2101 Fax: (202) 463-2103 Email: bglasser@baileyglasser.com tbennett@baileyglasser.com</p> <p><i>Proposed Co-Counsel to the Official Committee of Talc Claimants II</i></p>
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In re:

LTL MANAGEMENT LLC,

Debtor.

LTL MANAGEMENT, LLC,

Plaintiff,

vs.

**THOSE PARTIES LISTED ON
APPENDIX A TO COMPLAINT and
JOHN AND JANE DOES 1-1000,**

Defendants.

Chapter 11

Case No.: 21-30589 (MBK)

Honorable Michael B. Kaplan

Adv. Pro. No.: 21-03032 (MBK)

**JOINT STIPULATION AND AGREED ORDER BETWEEN
THE OFFICIAL COMMITTEE OF TALC CLAIMANTS I,
THE OFFICIAL COMMITTEE OF TALC CLAIMANTS II, AND THE DEBTOR
REGARDING THE EVIDENTIARY RECORD IN PRELIMINARY INJUNCTION
ADVERSARY PROCEEDING AND TRIAL ON MOTIONS TO DISMISS**

The relief set forth on the following pages is hereby **ORDERED**.

This stipulation and agreed order (this “Stipulation”) is made on this 16th day of February, 2022 (the “Stipulation Date”) by the Official Committee of Talc Claimants I (the “TCC I”), the Official Committee of Talc Claimants II (the “TCC II”), Aylstock, Witkin, Kreis & Overholtz, PLLC (“AWKO”), and LTL Management LLC, the debtor and debtor-in-possession (the “Debtor”), regarding the evidentiary record for the (i) Motion of the Official Committee of Talc Claimants to Dismiss Debtor’s Chapter 11 Case [Docket No. 632] and Motion to Dismiss Bankruptcy Case filed by counsel on behalf of certain personal injury tort plaintiffs represented by the law firm of Arnold & Itkin LLP [Docket No. 766] (the “Motions to Dismiss”), and (ii) Debtor’s Motion for an Order (I) Declaring that the Automatic Stay Applies to Certain Actions Against Non-Debtors or (II) Preliminarily Enjoining Such Actions and (III) Granting a Temporary Restraining Order Pending a Final Hearing [Adv. Docket No. 2] (the “PI Motion”) filed in adversary proceeding no. 21-03032 (the “Adversary Proceeding”) in the above-captioned chapter 11 case (the “Case”).

Recitals

WHEREAS, on October 14, 2021, the Debtor filed a voluntary petition for chapter 11 relief in the United States Bankruptcy Court for the Western District of North Carolina, Charlotte Division (the “NC Bankruptcy Court”) [Docket No. 1];

WHEREAS, on October 21, 2021, the Debtor commenced the Adversary Proceeding by filing a complaint seeking (i) a declaratory judgment that the automatic stay applies to the assertion and prosecution of talc claims against the Debtor, its non-debtor affiliates, identified retailers, insurance companies, and certain others parties and (ii) a preliminary injunction and temporary restraining order enjoining such actions [Adv. Docket No. 1];

WHEREAS, on October 21, 2021, the Debtor filed the PI Motion;

WHEREAS, on November 4-5, 2021, the NC Bankruptcy Court held a hearing on the PI Motion (the “NC PI Hearing”) and considered evidence submitted by the parties and admitted at the hearings, including declarations, testimony and exhibits filed with the NC Bankruptcy Court or presented at the hearings, including but not limited to (a) any deposition transcripts, including all exhibits thereto; and (b) any pleadings filed in support of or opposition to the PI Motion, including all exhibits thereto (the “NC PI Evidence”);

WHEREAS, on November 15, 2021, the NC Bankruptcy Court entered an Order Granting the Debtor’s Request for Preliminary Injunctive Relief [Adv. Docket No. 102] (the “NC PI Order”);

WHEREAS, on November 16, 2021, the NC Bankruptcy Court entered an order transferring venue of the Case to the United States Bankruptcy Court for the District of New Jersey (the “Court”) [Docket No. 416];

WHEREAS, in this Court, the Debtor filed a supplemental motion in support of the PI Motion [Adv. Dkt. 128], the former Committee objected [Adv. Dkt. 142] and the Debtor filed a reply [Adv. Dkt. 146] (such pleadings and all exhibits attached thereto collectively, the “NJ PI Evidence” and together with the NC PI Evidence, the “PI Evidence”);

WHEREAS, on January 15, 2022, the Court entered the Bridge Order Extending Termination Date of Order Granting The Debtor’s Request for Preliminary Injunctive Relief [Adv. Docket No. 157], that extended the Termination Date set forth in paragraph 4 of the NC PI Order to February 28, 2022, unless modified or extended by further order of the Court;

WHEREAS, commencing on February 14, 2022, the Court will hold a trial (the “MTD Trial”) on the Motions to Dismiss wherein the Court will consider evidence submitted by the parties and admitted at the trial, including declarations, testimony and exhibits filed with the Court

or presented at the trial, including but not limited to: (a) any deposition transcripts, including all exhibits thereto; and (b) any pleadings filed in support of or opposition to the Motions to Dismiss, including all exhibits thereto (the “MTD Evidence”);

WHEREAS, the Court will hold a hearing on the PI Motion on February 18, 2022 (the “PI Hearing”); and

WHEREAS, the parties desire a combined record for the PI Hearing and MTD Trial that includes both the PI Evidence and the MTD Evidence.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, AND UPON APPROVAL BY THE BANKRUPTCY COURT OF THIS STIPULATION, IT IS SO ORDERED AS FOLLOWS:

1. The PI Evidence and the MTD Evidence shall be part of the record for the PI Hearing, and the Court may consider such evidence in connection with the PI Motion.
2. The PI Evidence and the MTD Evidence shall be part of the record for the MTD Trial, and the Court may consider such evidence in connection with the Motions to Dismiss.
3. The Stipulation shall not prejudice the rights of any party with respect to the Order Regarding: (A) Debtor’s Motion for an Order Determining That the United States Trustee’s Notice of “Reconstituted and Amended” Talc Claimants Committee Is Invalid and Reinstating that Committee; and (B) Motion for Order Vacating Appointment of Second Official Committee of Talc Claimants and Addition of New Committee Members Filed by Arnold & Itkin LLP [Docket No. 1273] or in connection with any pleading filed pursuant to paragraph 4 of that order.
4. This Stipulation shall constitute the entire agreement and understanding of TCC I, TCC II, AWKO, and the Debtor relating to the subject matter hereof and supersedes all prior

agreements and understandings between TCC I, TCC II, AWKO, and the Debtor relating to the subject matter hereof.

5. The Court shall retain jurisdiction to resolve any disputes, controversies, or ambiguities arising from this Stipulation.

AGREED AS TO FORM AND SUBSTANCE:

**SHERMAN, SILVERSTEIN,
KOHL, ROSE & PODOLSKY, P.A.**
*Proposed Local Counsel to the
Official Committee of Talc Claimants II*

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*Proposed Local Counsel to the
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Dated: February 16, 2022

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Counsel to the Debtor

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Dated: February 16, 2022

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